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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,771	07/24/2003	Takeshi Saito	240256US2RD DIV	7851
22850	7590	11/22/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.			ELALLAM, AHMED	
1940 DUKE STREET			ART UNIT	
ALEXANDRIA, VA 22314			PAPER NUMBER	

2662

DATE MAILED: 11/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/625,771

Applicant(s)

SAITO ET AL.

Examiner

AHMED ELALLAM

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 09/223,812.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>07/24/03</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "call set up unit" must be shown or the feature(s) canceled from claims 1 and 2. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

2. Claims 1 and 2 are objected to because of the following informalities:

In claim 1, line 11, the letter "p" has a typo error.

In claim 2, line 3, the letter "t" has a typo error.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1 and ~~2~~<sup>14</sup> are rejected under 35 U.S.C. 102(e) as being anticipated by Foley US (6,414,952).

Regarding claim 1, with reference to Figures 5.B, Foley discloses a network termination device (claimed gateway) comprising:

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- a HAN Modem 513 (Home Area Network) for connection to a home network (computer) (corresponding to a first network interface for connection to a home network);
- an RJ-11 interface 511 for connection to PSTN (corresponding to second network interface for connection to a telephone network);
- an AFE block 512 that include a conventional PSTN Data Access Arrangement (DAA) to provide POTS modem capability. The POTS modem capability advantageously provides a user with connectivity to both the HAN and conventional telecommunications services, see column 8, lines 21-45 (corresponding to a call set up unit for carrying out a call set up with respect to a specified address on the telephone network, upon receiving a solicitation for the call set up with respect to the specified address on the telephone network from a content processing device connected to the home network); Examiner refers to the computer attached on the IEEE 1394 bus as being the content processing device, and the existence of the termination device 510 between the computer and the telephone network, as being the claimed *contents processing device being in a state not capable of carrying out direct communication through the telephone network.*
- modulation/demodulation unit within the HAN modem, see column 8, lines 35-45. (Corresponding to a transfer unit for transferring data transmitted from the contents processing device to a connection established by the

call set up, and data arriving from the connection established by the call set up to the contents processing device).

Regarding claim 2, the call set up unit receiving the solicitation made by the contents processing device that has need to communicate with the specified address in order to process a specific content information is inherent in Foley's system, because the content processing device, which according to the specification can be a PC or an AV device, would only make solicitation if it needs communication with a specific address. For instance, an end user with a PC connected to the call set up device might want to obtain album information from a specific address on the Internet so he could listen to a CD.

Regarding claim 4, with reference to figures 5A and 14A, Foley discloses Home Area Network client 1405 (claimed content processing device ) comprising home Network Interface 500, the home network interface (NIC) 500 comprising:

- a Home Area Network Modem 503 for connection to a home network,  
(claimed home network interface for connection to a home network)
- a Network client CPU for processing received digital bit streams using the appropriate network protocols, see column 10, line 1-4,  
(corresponding to a protocol processing unit for executing protocol processing for communications with a server device through a telephone network);

an AFE block 502 that include a conventional PSTN Data Access Arrangement (DAA) to provide POTS modem capability (claimed solicitation unit). The POTS modem capability provides a user with connectivity to both the HAN and conventional telecommunications services, see column 8, lines 21-34, in addition the AFA is connected to an RJ-11 (telephone network) and to Gateway server 1401 (claimed gateway device) (also a server can be through WAN 1 or WAN 2 or WAN 3) which is connected with both a home Network 1405 and a telephone network 1402;

Foley further discloses that the HAN modem ASIC 503 is an application specific integrated circuit (ASIC) including circuit modules for performing signal processing including signal modulation and demodulation. HAN modem ASIC 503 additionally includes an AFE interface 508, a PCI interface 506 and a video interface 507. PCI interface 506 provides the interface formatting and hand-shake signals used to communicate with the CPU on network client 302 over a PCI bus, see column 10, lines 1-19. (Corresponding to an information processing unit for processing contents information obtained by the communications with the server device through the gateway device and the home network interface). Examiner interpreted the received digital bit stream as being provided by any server through WAN 1 or WAN 2 or WAN 3.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Foley in view of Baindur et al US (6,073,176).

Regarding claim 3, foley discloses substantially all the limitations of claim 1, except it does not explicitly disclose that the network termination device (home gateway) includes a notification unit for notifying that the network termination device (home gateway) is in a state capable of responding to a solicitation through the home network.

However, Baindur with reference to Figure 4, discloses in the same field of endeavor that upon receiving a setup notification at a home gateway, a decision is made to either establish or disconnect a call originating from a subscriber.

Therefore, it would have been obvious to an ordinary person of skill in the art, at the time the invention was made to provide the network terminal device of Foley with the feature of Baindur's Home gateway call admission control so that only legitimate subscriber can get access to service providers.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Foley.

Foley discloses substantially all the limitations of claim 6 except it does not explicitly disclose that the protocol processing unit of the contents processing device carries out a prescribed procedure using the communications with the server device in



order to obtain a permission to process a specific contents information, when a need to obtain a permission to process the specific content information.

Examiner takes official notice that the feature of permission to process information when a need arises is well known in the art at the time of the invention.

Therefore, it would have been obvious to an ordinary person of skill in the art, at the time the invention was made to provide Foley contents processing device (computer) with the ability to have permission validation as to the whether it is permissible to process information or not so that only legitimate subscriber would have access to a requested information.

### ***Conclusion***


6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Valencia, US (5,918,019) White et al, US (6,069,890); Akatsu et al (6,496,862); Olshansky et al, Title: Residential LAN Architecture, IEEE 1997, pages 55-60; Desbonnet et al, Title: SYSTEM ARCHITECTURE AND IMPLEMENTATION OF A CEBus/INTERNET GATEWAY, IEEE 19997, PAGES 1057-1062; Joseph G. Rusnak, Title: Anywhere In The Home, IEEE 1997, pages 19-24; McManus et al, Title: Broadband to the Home: A Bell Atlantic Perspective, IEEE 1997, pages 25-30.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AHMED ELALLAM whose telephone number is (571) 272-3097. The examiner can normally be reached on 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kizou Hassan can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AHMED ELALLAM  
Examiner  
Art Unit 2662  
November 17, 2004

  
JOHN PEZZULLO  
PRIMARY EXAMINER